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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,422	09/08/2003	Scott Anthony Arvin	G&C 30566.249-US-U1	9013
22462	7590	02/09/2005	EXAMINER	
GATES & COOPER LLP HOWARD HUGHES CENTER 6701 CENTER DRIVE WEST, SUITE 1050 LOS ANGELES, CA 90045			LAY, MICHELLE K	
			ART UNIT	PAPER NUMBER
			2672	

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/657,422	<b>Applicant(s)</b> ARVIN ET AL.	
	<b>Examiner</b> Michelle K. Lay	<b>Art Unit</b> 2672	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show in Fig. 6B, the fill property of rectangle 600 as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 - 6, 8 - 11, 16 - 21, 23 - 26, 31 - 36, and 38 - 41 are rejected under 35 U.S.C. 102(b) as being anticipated by MS Windows User's Guide Ver. 3.X by Microsoft Corporation.

Microsoft Windows is a computer program that runs on a computer system. Within the Windows program, one may display windows, which may be thought of as a graphic object, that contains buttons placed on the border of the windows that when pressed, will manipulate the window. As an example, referring to the figure on page 8 in the *Windows Fundamental* section, by using a mouse (claim 2, 17, 32), you can click the *Maximize button* to enlarge the window (claim 1, 3, 16, 18, 31, and 33) [Section: Windows Fundamental, page 9]. The *Control-menu button* positioned in the upper left-hand corner of the window as shown in the figure, may be pressed to produce a menu that allows the user to select a finite number of actions that will alter the appearance of the window, such as resize, maximize, or minimize (claim 5, 20, 35) [Section: Windows Fundamental, page 8].

Regarding claims 4, 6, 19, 21, 34, and 36, within Windows, Microsoft alters the location of the buttons when the window is modified. As an example, if a window has been maximized, you must restore it to its original size before you can use the Minimize

button to reduce it to an icon. The Minimize button does not appear in a maximized window [Section: Windows Fundamental, page 26].

In reference to claims 8, 9, 23, 24, 38, and 39, buttons to manipulate the window reside in the window's border. This border width maybe changed which also alters the buttons sizes in order to ease in appearance if it's difficult to view (claims 8, 23, 38) [Section: Windows Fundamental, page 158]. As an example, if a window has been maximized, you must restore it to its original size before you can use the Minimize button to reduce it to an icon. The Minimize button does not appear in a maximized window (claims 9, 24, 39) [Section: Windows Fundamental, page 26].

In regards to claims 10, 11, 25, 26, 40, and 41, within the Windows program, one may display windows that contain buttons placed on the border. As shown in the figure on page 8 in the *Windows Fundamental* section, the *Control-menu button* positioned in the upper left-hand corner of the window produces a menu when pressed via the mouse button (claims 11, 26, 41), furnishing a finite set of manipulation options for the window, such as resize, maximize, or minimize [Section: Windows Fundamental, page 8].

3. Claims 7, 13, 14, 22, 28, 29, 37, 43, and 44 are rejected under 35 U.S.C. 102(b) as being anticipated by Windows 95 Secrets 3<sup>rd</sup> Edition to Livingston and Straub.

Within the Windows 95 program, one may display windows, which may be thought of as a graphic object, that contains buttons placed on the border of the windows that when pressed, will manipulate the window. Referring to Table 24-1 on page 614, Livingston et al. describes different pointers for different functions. With the Unavailable

pointer, the cursor appears to remind you of an unaccepted action [page 614]. This may extend to attempting an unknown error when interacting with a button (claims 13, 28, and 43).

In regards to claims 14, 29, and 44, illustrated in Figure 8-5, a maximize button as previously described, is illustrated as an enlarged window [Livingston et al.: page 151]. When this button is pressed, the window enlarges with respect to the screen.

In reference to claims 7, 22, 37, the color of the buttons may be altered [page 560]. Thus, the examples mentioned previously may extend to this situation that the buttons, when pressed, will perform the corresponding operation.

4. Claims 15, 30, and 45 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,651,107 to Frank et al. Frank et al. discloses a CPU coupled to a display for displaying graphic and other data in multiple overlapping windows. Referring to Fig. 10, windows 255 and 260 are displayed in display 250. Window selection buttons 280, 281, 282 and 283 are shown on the four corners of window 255. Similarly, buttons 285, 286, 287, and 288 are shown on window 260. These buttons may be thought of as object manipulators. As shown, the windows are transparent, allow a user to see the graphic object behind a button [column 9, lines 60 – 65; column 10, lines 1 – 25]

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 12, 27, and 42, are rejected under 35 U.S.C. 103(a) as being unpatentable over MS Windows User's Guide Ver. 3.X by Microsoft Corporation in view of Windows 95 Secrets 3<sup>rd</sup> Edition to Livingston and Straub.

Microsoft teaches the claimed limitations of claim 12, with the exception of describing displaying a graphic image to graphically indicate the function state of the object manipulator. However, Livingston et al. shows in Figure 8-5 a maximize button as previously described, as an enlarged window [Livingston et al.: page 151].

Therefore, it would be obvious to one in the art at the time the invention was made to incorporate a graphical display of the action on the button because this would allow the user to be notified as to what action they are about to perform.


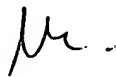
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle K. Lay whose telephone number is (571) 272-7661 as of 02.28.2005, otherwise (703) 305-0887. The examiner can normally be reached on Monday - Friday, 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on (571) 272-7664. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mkl 01.21.2005

  
RICHARD HJERPE 1/24/05  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER